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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,375	02/14/2006	Mauro Barbieri	NL030990	9328
24737 7590 03/16/2010 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
ZHAO, DAQUAN				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
03/16/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,375

Applicant(s)

BARBIERI, MAURO

Examiner

DAQUAN ZHAO

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/22)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 12 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

For claim 12, "In the start of the art, transitory signals are commonplace as a medium for transmitting computer instruction and thus, in the absence of any evidence to the contrary and give the broadest reasonable interpretation, the scope of a "computer readable medium" covers a signal per se." In order to overcome the 35 U.S.C. 101 rejection, the "computer readable medium" should be changed to "non-transitory computer readable medium".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claims 1, 7 and 12, it is not clear what applicant means by "...catchy and interesting video segments...".

Claims 2-6, and 8-11 are also affected.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corey et al (US 5,703,655) and further in view of Chang et al (US 7,339,992 B2).

For claim 1, Corey et al teach a method of creating a collection of relevant video segments by selecting respective portions from a video stream which corresponds to a program (e.g. abstract, column 1, line 50-column2, line 30, column 4, lines 22-38, and figure 1, Video/Audio storage 40, the audio/video segments stored in the video/audio storage 40 corresponds to the claimed "a collection of relevant video segments", the

examiner considers the video segments in video/audio storage 40 as "relevant video" because it is relevant to a speaker), a first duration of the collection of relevant video segments (201) being relatively short compared with a second duration of the program (e.g. The examiner believes the system of Corey et al can collect audio/video of different speakers or a single speaker with different duration. Therefore, "relevant video segments being relatively short compared with a second duration of the program" is inherent feature of Corey et al), the method comprising:

receiving a signal containing transcript information associated with the program, the transcript information including a plurality of sentences (e.g. figure 1, column 4, lines 12-37, receiver tuner 24 receives the closed caption data, wherein the closed caption data corresponds to the claimed "transcript information", wherein figure 7 shows that the closed caption data comprises a plurality of sentences);

detecting from the signal containing transcript information a first exclamatory syntactical element in the sentences (e.g. column 5, line 30- column 7, line 8 and figure 7, the closed caption data in figure 7 describes the audio/video data of "#ch 9 news, 5-6 PM 9-2-94", the first sentence "ON THIS TEAM I THINK WE CAN BE GOOD" must be detected to be formatted as shown in figure 7, column 2, lines 46-58, and "people work best when working with their hands" is not in capital, but "ON THIS TEAM I THINK WE CAN BE GOOD" is in capital. Searching for the capital sentence of Corey et al corresponds to detecting "exclamatory syntactical element" because claim 2 specifies the exclamatory syntactical element can be sentence comprising words being expressed with capitals);

selecting the portions from the video stream, which correspond to the first exclamatory syntactical element (e.g. column 5, line 30- column 7, line 8 and figure 7, the closed caption data in figure 7, which contains a first sentence "ON THIS TEAM I THINK WE CAN BE GOOD", describes the audio/video data of "#ch 9 news, 5-6 PM 9-2-94", and the describes the audio/video data of "#ch 9 news, 5-6 PM 9-2-94" is selected to be stored in the audio/video storage 40); and

associating the selected portions with relevant video segments (e.g. column 5, line 30- column 7, line 8 and figure 7, the closed caption data in figure 7 is associated with the audio/video data of "#ch 9 news, 5-6 PM 9-2-94").

However, Corey et al fail to specify "identifying catchy and interesting video segments to be included in a video preview"; "generating the video preview in the form of a video trailer or video abstract comprised of the collection of relevant video segments, wherein the respective selected portions from the video stream made up the collection of relevant video segments of the video preview that can be used as an overview to browse the program of audio-video information and provide a way to select from various recorded programs which ones to watch."

Chang et al teach "identifying catchy and interesting video segments to be included in a video preview" (e.g. abstract, figure 13, column 12, lines 45-67, a video segment of an event can be extracted by detecting the change in the caption text in the caption box); "generating the video preview in the form of a video trailer or video abstract comprised of the collection of relevant video segments, wherein the respective selected portions from the video stream made up the collection of relevant video

segments of the video preview that can be used as an overview to browse the program of audio-video information and provide a way to select from various recorded programs which ones to watch." (e.g. column 1, lines 59-67, figure 14, column 13, lines 1-33, the video summary content is stored in computer readable media and view by user on the GUI of figure 14, user can select the video segment associated with an event by clicking on the text on the text window list). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Change et al into the teaching of Corey et al to improve the automatic video summary generation methods using text which is extracted from the video content (Change et al, column 1, lines 40-50).

Claims 7 and 12 are rejected for the same reasons as discussed in claim 1 above.

Claim 8 is rejected for the same reasons as discussed in claim 1 above, wherein Corey et al also teach a receiving unit (102) for receiving a video stream (200) (e.g. figure 2, receiver tuner 24); storage means (106) for storage of the video stream (200) and for storage of a collection of relevant video segments (201) being selected from the video stream (200) (e.g. figure 1, video/audio storage 40); and a video segment compilation unit (108) for creating the collection of relevant video segments (201), as claimed in claim 7 (e.g. column 5, lines 30-57, and figure 1, closed caption formatter 204 associated the audio/video data "#ch 9 new, 5-6 PM 9-2-94" with the closed caption data as shown in figure 7).

For claim 2, Corey et al teach a first exclamatory syntactical element is one of exclamation mark, word being expressed with capitals, sentence comprising words being expressed with capitals, word being expressed with underlined characters, word being expressed with italic characters, word being expressed with bold characters, and word being expressed with relatively large characters compared with other characters in other sentences (e.g. figure 7, "ON THIS TEAM I THINK WE CAN BE GOOD" corresponds to the claimed "sentence comprising words being express with capitals").

For claim 3, Corey et al teach the transcript information is one of closed-captioned text, subtitles being exchanged by means of teletext and subtitles being exchanged as overlaid text (e.g. figure 1, column 4, lines 12-37, receiver tuner 24 receives the closed caption data, wherein the closed caption data corresponds to the claimed "transcript information").

For claim 9, Corey et al teach the storage means comprises a hard-disk (e.g. column 3, lines 58-65, the examiner believes the 20 Gigabyte disk in the personal computer is a hard-disk).

For claim 10, Corey et al teach the storage means is arranged to store the video stream (200) on a removable memory device (e.g. column 3, lines 65-67, magnetic tape is removable memory).

For claim 6, Chang et al teach changing the an order of the respective selected portions in the collection of relevant video segments, for reducing a probability that too much of a story of the program is revealed by the video preview (e.g. column 1, lines 59-67, figure 14, column 13, lines 1-33, the video summary of Chang et al changes the

order of the respective selected portions by allowing user to playback different portion of the video by clicking on the text icon in 1450 of figure 14. Chang et al only display a portion of the video corresponds to an event of the entire baseball game. Therefore, not too much of a store of the program is revealed by the video preview).

4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corey et al (US 5,703,655) and Chang et al (US 7,339,992), as applied to claims 1-3, 6-10, and 12, and further in view of Robson et al (US 7,360,234 B2).

For claim 4, Corey et al and Chang et al fail to teach filtering out relatively short sentences comprising a first word being equal to a second word of a particular set of words. Robson et al teach filtering out relatively short sentences comprising a first word being equal to a second word of a particular set of words (e.g. column 2, lines 41-45, filter out offensive words column 4, lines 67, filtering closed caption corresponding to the portion of the audio containing the objectionable content). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Robson et al into the teaching of Corey et al and Chang et al to filter out unwanted short sentence to reserve storage space.

For claim 5, Robson et al teach the particular set of words comprises the words "yes", "no" and "thanks" (the filtering content does not make any patentable difference).

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Corey et al (US 5,703,655) and Chang et al (US 7,339,992 B2), as applied to claims 1-3, 6-10, and 12, and further in view of Official Notice.

For claim 11, Corey et al and Chang et al (US 7,339,992) fail to specify the memory device comprises an optical-disk. The examiner takes official notice for the memory device comprises an optical-disk since it is well known in the art. It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate an optical-disk into the system of Corey et al and Change et al for easy transportation of the data because carrying an optical disk, such as DVD is much easier than carrying tape since DVD is smaller in size than tape.

Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEG § 706.07 (a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing data of this action. In the event a first reply is filed within TWO MONTHS of the mailing data of this action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period. Then the shortened statutory period will expire on the data the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing data of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the data of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daquan Zhao/
Examiner, Art Unit 2621

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621